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09/898,707

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Thomas Zickell

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/898,707

Applicant(s)

ZICKELL, THOMAS

Examiner

Walter B. Aughenbaugh

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007 and 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. Applicant's amendments in claims 56 and 62 in the Amendment filed October 1, 2007 have been received and considered by Examiner.
2. Applicant's amendments in claims 45, 55, 56 and 62 in the Supplemental Amendment filed October 3, 2007 have been received and considered by Examiner.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. 112, second paragraph, rejection of claims 45-48, 55, 56 and 62 made of record in paragraph 6 of the previous Office Action mailed June 28, 2007 has been withdrawn due to Applicant's amendments in claims 45, 55, 56 and 62 in the Amendment filed October 1, 2007 (regarding only claim 62) and in the Supplemental Amendment filed October 3, 2007.
4. All rejections under 35 U.S.C. 102 and 103 made of record in the previous Office Action mailed June 28, 2007 have been withdrawn due to Applicant's amendments in independent claims 45, 55 and 62 in the Amendment filed October 1, 2007 (regarding only claim 62) and in the Supplemental Amendment filed October 3, 2007 (regarding each of the three independent claims 45, 55 and 62).

NEW REJECTIONS

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

6. Claims 45-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennepohl et al. (USPN 4,079,158) in view of Simpson et al. (USPN 5,096,759) and in further view of McGroarty et al. (USPN 5,079,088).

In regard to independent claim 45, Kennepohl et al. teach a composite sheet of rolled roofing material comprising a substrate (backing, col. 1, line 39 and asphalt roll-type roofing, col. 4, line 3) saturated with a first asphalt composition, a second asphalt composition layer (mineral filled asphalt base coating, col. 4, lines 3-4) contacting an upper surface of the substrate and granules contacting an upper surface of the second asphalt composition (col. 1, lines 38-48 and col. 3, line 65-col. 4, line 5).

Kennepohl et al. fail to teach that that there is an adhesive composition layer contacting a lower surface of the substrate, that there is a release backing disposed over a bottom surface of the second layer, and that the substrate includes a first region and a second region, where the first region has each of the second asphalt composition layer, granules, adhesive composition layer and release backing contacting or disposed over (or under, depending on the component) the substrate, and where the second region has an upper surface and a lower surface, where the upper surface of the second region is substantially free of the second asphalt composition, and the lower surface of the second region is substantially free of the adhesive composition.

Simpson et al. disclose a rolled roofing sheet material (col. 6, lines 19-34 and 56-58), for use in covering a support surface by overlapping adjacent strips of the roofing material (col. 6, lines 35-38), comprising a substrate having upper and lower surfaces (impregnated mat, item 92, col. 5, lines 34-54), an asphalt composition saturating the substrate (col. 5, lines 48-54) and

coating the upper surface of the substrate (coating, item 24, col. 3, lines 25-29 and col. 4, lines 36-39) on the upper surface of the substrate, an adhesive composition disposed on at least a portion of the bottom surface of the substrate to form an adhesive surface area (adhesive, item 94, col. 5, lines 48-62) and a release backing disposed over the adhesive surface area (release paper, item 96, col. 5, lines 48-62). Simpson et al. disclose that in operation the release paper (item 96) is removed to expose the adhesive (item 94) to a support surface (roof surface, item 98) (col. 5, lines 55-57). Therefore, one of ordinary skill in the art would have recognized to have disposed an adhesive composition on a portion of the lower surface of the substrate of Kennepohl et al. (where this portion of the lower surface of the substrate corresponds to the claimed "first region") to form an adhesive surface area and to have disposed a release backing over the adhesive surface area since it is well known to dispose an adhesive on a roofing sheet material so that the roofing sheet material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the roofing sheet material with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing sheet material as taught by Simpson et al.

McGroarty et al., furthermore, disclose a waterproofing sheet (item 10) that is especially valuable for use on roofs, having an edge portion (item 13, Fig. 1) that is left without the layers that are coextensive over the remainder of the sheet (excluding edge portion, item 13) so that the sheets can be lapped so that the sheets (where this edge portion corresponds to the claimed "second region"), when installed (i.e. fastened via an adhesive, col. 2, line 61), provide a continuous impervious layer (col. 2, line 49-col. 3, line 11 and Fig. 1 and 2). Therefore, one of ordinary skill in the art would have recognized to have coated only a portion (the claimed "first

region”) of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. thus resulting in the claimed “second region”) on the upper surface of the substrate such that the adhesive surface area (in the claimed “first region”) of one strip of roofing material adheres to the claimed “second region” of the next strip of roofing material when overlapping strips of two adjacent strips of roofing material are applied to cover the support surface as taught by McGroarty et al. in order to enable strips of the roofing material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed an adhesive composition on a portion of the lower surface of the substrate of Kennepohl et al. (where this portion of the lower surface of the substrate corresponds to the claimed “first region”) to form an adhesive surface area and to have disposed a release backing over the adhesive surface area since it is well known to dispose an adhesive on a roofing sheet material so that the roofing sheet material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the roofing sheet material with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing sheet material as taught by Simpson et al. and to have coated only a portion (the claimed “first region”) of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. thus resulting in the claimed “second region”) on the upper surface of the substrate such that the adhesive surface area (in the claimed “first region”) of one strip of roofing material adheres to the claimed “second region” of the next strip of roofing material when overlapping strips of two adjacent strips of roofing material are applied to cover

the support surface as taught by McGroarty et al. in order to enable strips of the roofing material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

In regard to independent claim 55, Kennepohl et al. teach a composite sheet of rolled roofing material (prior to application on a roof) comprising a substrate (backing, col. 1, line 39 and asphalt roll-type roofing, col. 4, line 3) saturated with a first asphalt composition (where the substrate has an upper and a lower surface), a first layer of a second asphalt composition (mineral filled asphalt base coating, col. 4, lines 3-4) contacting an upper surface of the substrate and granules contacting an outer (upper) surface of the first layer of the second asphalt composition (col. 1, lines 38-48 and col. 3, line 65-col. 4, line 5). This structure taught by Kennepohl et al. is a “unified structure”.

Kennepohl et al. fail to teach that that there is a second layer of an adhesive composition contacting a lower surface of the substrate, that there is a release backing disposed over a bottom surface of the second layer, and that both the upper and lower surfaces of the substrate include a first portion and a second portion, where the first portions have each of the second layer of the asphalt composition, granules, the layer of the adhesive composition and release backing contacting or disposed over (or under, depending on the component) the substrate, and where the second layer of the asphalt composition, granules, the layer of the adhesive composition and release backing are not in contact with at least a portion of the second portions.

Simpson et al. disclose a rolled roofing sheet material (col. 6, lines 19-34 and 56-58), for use in covering a support surface by overlapping adjacent strips of the roofing material (col. 6, lines 35-38), comprising a substrate having upper and lower surfaces (impregnated mat, item 92,

col. 5, lines 34-54), an asphalt composition saturating the substrate (col. 5, lines 48-54) and coating the upper surface of the substrate (coating, item 24, col. 3, lines 25-29 and col. 4, lines 36-39) on the upper surface of the substrate, an adhesive composition disposed on at least a portion of the bottom surface of the substrate to form an adhesive surface area (adhesive, item 94, col. 5, lines 48-62) and a release backing disposed over the adhesive surface area (release paper, item 96, col. 5, lines 48-62). Simpson et al. disclose that in operation the release paper (item 96) is removed to expose the adhesive (item 94) to a support surface (roof surface, item 98) (col. 5, lines 55-57). Therefore, one of ordinary skill in the art would have recognized to have disposed an adhesive composition on a portion of the lower surface of the substrate of Kennepohl et al. (where this portion of the lower surface of the substrate corresponds to the claimed "first portion of said lower surface of said substrate") to form an adhesive surface area and to have disposed a release backing over the adhesive surface area since it is well known to dispose an adhesive on a roofing sheet material so that the roofing sheet material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the roofing sheet material with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing sheet material as taught by Simpson et al.

McGroarty et al., furthermore, disclose a waterproofing sheet (item 10) that is especially valuable for use on roofs, having an edge portion (item 13, Fig. 1) that is left without the layers that are coextensive over the remainder of the sheet (excluding edge portion, item 13) so that the sheets can be lapped so that the sheets (where this edge portion includes portions that correspond to the claimed "second portion of said upper surface" and "second portion of said lower surface"), when installed (i.e. fastened via an adhesive, col. 2, line 61), provide a continuous

impervious layer (col. 2, line 49-col. 3, line 11 and Fig. 1 and 2). Therefore, one of ordinary skill in the art would have recognized to have coated only a portion (the claimed “first portion of said upper surface of said substrate”) of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. thus resulting in the claimed “second portion of said upper surface”) on the upper surface of the substrate such that the adhesive surface area (on the “first portion of said upper surface of said substrate”) of one strip of roofing material adheres to the claimed “second portion of said upper surface of said substrate” of the next strip of roofing material when overlapping strips of two adjacent strips of roofing material are applied to cover the support surface as taught by McGroarty et al. in order to enable strips of the roofing material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

The structure that results from this proposed combination of references is a “unified structure”, and the structure that results from this proposed combination of references is a structure where both the “second portion of said upper surface of said substrate” and the “second portion of said lower surface [of said substrate]” are “disposed along a side edge of [the] composite roofing material”, because this structure is necessary for the strips of the roofing material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed an adhesive composition on a portion of the lower surface of the substrate of Kennepohl et al. (where this portion of the lower surface of the substrate corresponds to the claimed “first portion of said lower surface of said substrate”) to form an adhesive surface

area and to have disposed a release backing over the adhesive surface area since it is well known to dispose an adhesive on a roofing sheet material so that the roofing sheet material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the roofing sheet material with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing sheet material as taught by Simpson et al. and to have coated only a portion (the claimed “first portion of said upper surface of said substrate”) of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. thus resulting in the claimed “second portion of said upper surface”) on the upper surface of the substrate such that the adhesive surface area (on the “first portion of said upper surface of said substrate”) of one strip of roofing material adheres to the claimed “second portion of said upper surface of said substrate” of the next strip of roofing material when overlapping strips of two adjacent strips of roofing material are applied to cover the support surface as taught by McGroarty et al. in order to enable strips of the roofing material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

In regard to independent claim 62, the basis for rejection of claim 45 under 35 U.S.C. 103 made of record above applies to claim 62. See 35 U.S.C. 103 rejection of claim 45 made of record above in this Office Action. Claim 62 does not positively recite any structure that is not met by the 35 U.S.C. 103 rejection of claim 45 made of record above. The roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. discussed above regarding claim 45 has the claimed common edge since it is a composite roofing material. The “first section” claimed in claim 62 corresponds to the claimed “first region” claimed in claim 45. The “second

section” claimed in claim 62 corresponds to the claimed “second region” claimed in claim 45. The “upper surface of the second section” of claim 62 is “cleaned of the first asphalt composition” and the “lower surface of the second section” of claim 62 is “cleaned of the first asphalt composition” because nothing exists on either the upper or lower surface of the substrate within the “second section” (“second region” as claimed in claim 45) of the roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. discussed above regarding claim 45. Since claim 62 is an article claim, there is no requirement that the proposed combination of references teach that a process step of “clean[ing]” the surfaces was performed on the surfaces within the “second section” because the method of forming the article is not germane to the issue of patentability of the article itself. The only requirement that the proposed combination of references must teach is the structure that is recited by the recitations that the upper and lower surfaces are “cleaned of the first asphalt composition”, which is that nothing exists on either the upper or lower surface of the substrate within the “second section” of the roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al., which is met by the proposed combination of Kennepohl et al., Simpson et al. and McGroarty et al., as was already stated above.

In regard to claims 46, 56 and 63, Simpson et al. teach that the rolled roofing material includes a parting agent covering (the silicon compound release coating, col. 3, lines 29-35) the lower surface of the substrate wherein the parting agent necessarily resists adhering to the upper surface of the substrate when the roofing material is rolled since it is a release coating (col. 3, lines 29-35). Since the first region (claim 45) / first portion (claim 55) / first section (claim 62) of the lower surface of the substrate of the roofing material taught by Kennepohl et al., Simpson et

al. and McGroarty et al. discussed above in regard to claims 45, 55 and 62, respectively, is covered by the adhesive composition, one of ordinary skill in the art would have recognized to have applied the silicon compound release coating of Simpson et al. (that corresponds to the claimed parting agent) only (where "only" is used in consideration of solely the regions/portions/sections of the surfaces of the substrate [i.e. not considering the surfaces of other layers of the roofing material, such as the lower surface of the adhesive composition]) to the second region (claim 45) / second portion (claim 55) / second section (claim 62) of the lower surface of the substrate of the roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. because the parting agent is not needed on the first region (claim 45) / first portion (claim 55) / first section (claim 62) of the lower surface of the substrate of the roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. because the adhesive composition must adhere to the first region (claim 45) / first portion (claim 55) / first section (claim 62) of the lower surface of the substrate for the material taught by Kennepohl et al., Simpson et al. and McGroarty et al. to function as it is intended and in order to ensure that each turn of the second region (claim 45) / second portion (claim 55) / second section (claim 62) of the substrate of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. does not contact the previous turn of the second region (claim 45) / second portion (claim 55) / second section (claim 62) of the substrate of the rolled roofing sheet material so that the bitumen (asphalt) of each turn of the second region (claim 45) / second portion (claim 55) / second section (claim 62) of the substrate of the rolled roofing material does not adhere to the previous turn of the second region (claim 45) / second portion (claim 55) / second section (claim 62) of the substrate in order to preserve the optimal functioning of the rolled roofing material until the

roofing material is unraveled and applied to a roof (i.e. until the material is used for what it is intended to be used for) as taught by Simpson et al.

In regard to claims 47 and 57, Kennepohl et al. teach that the substrate includes felt (col. 1, lines 39 and 48-53, also col. 8, line 66-col. 9, line 4), which is a fibrous material, so the substrate of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. discussed above in regard to claims 45 and 55 includes a fibrous material.

In regard to claim 48, Kennepohl et al. teach that the substrate is a fiberglass mat (col. 8, line 66-col. 9, line 5), so the substrate of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. discussed above in regard to claim 45 is a fiberglass mat.

In regard to claims 49, 58 and 64, the first and second asphalt compositions of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. are the same since the first and second asphalt compositions of the rolled roofing material of Kennepohl et al. are the same (col. 3, line 65-col. 4, line 5).

In regard to claims 50, 59 and 65, while the mineral filled asphalt compositions in the embodiment of Kennepohl et al. taught at col. 3, line 65-col. 4, line 5 are not explicitly taught as including an oxidized asphalt with a mineral filler, Kennepohl et al. teach that oxidized asphalt (col. 7, lines 36-55) with a mineral filler (col. 1, lines 20-48) is a well known noncombustible material for use as roofing. Therefore, one of ordinary skill in the art would have recognized to have oxidized the asphalt compositions of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. since oxidized asphalt is a well known noncombustible material for use as roofing as taught by Kennepohl et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have oxidized the asphalt compositions of the rolled roofing material taught by Kennepohl et al., Simpson et al. and McGroarty et al. since oxidized asphalt is a well known noncombustible material for use as roofing as taught by Kennepohl et al.

In regard to claim 51, Kennepohl et al. teach that the asphalt composition includes limestone as the mineral filler (col. 5, line 62-col. 6, line 3).

In regard to claims 52 and 60, the adhesive composition of Simpson et al. (which is relied upon in the rejection of claims 45 and 55 of record as the claimed adhesive) includes a rubberized asphalt material (col. 6, lines 21-34; styrene-butadiene radial block polymer is a rubber).

In regard to claims 53, 61 and 66, the adhesive composition of Simpson et al. (which is relied upon in the rejection of claims 45, 55 and 62 of record as the claimed adhesive) includes by weight 13% styrene-butadiene block polymer, 12% sand (filler), 7% oil and 63% bitumen (flux asphalt, col. 4, lines 35-39). Normally, it is to be expected that minor changes in the relative amounts of rubber, filler, oil and asphalt in an asphalt based adhesive would be an unpatentable modification. Under some circumstances, however, changes such as a change to the relative amounts of rubber, filler, oil and asphalt in an asphalt based adhesive may impart patentability to an article if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. MPEP 2144.05 II.B.

In regard to claim 54, while Kennepohl et al., Simpson et al. and McGroarty et al. fail to explicitly teach that the first asphalt composition and the second asphalt composition each have a fuel content wherein the fuel content of the asphalt compositions is low enough such that the

asphalt compositions are fire resistant, Kennepohl et al. teach that the composite building material of Kennepohl et al. has superior fire retarding properties (col. 5, lines 62-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have adjusted the fuel content of the asphalt compositions to determine the fuel content that yields the optimum fire resistance to achieve fire resistant asphalt compositions depending on the desired end user result, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in the absence of unexpected results.

MPEP 2144.05 II.B.

Response to Arguments

7. Applicant's arguments presented on pages 9-12 of the Amendment filed October 1, 2007 Amdt. A regarding the 35 U.S.C. 112, second paragraph, rejection of claims 45-48, 55, 56 and 62 made of record in paragraph 6 of the previous Office Action mailed June 28, 2007 are moot due to the withdrawn of this rejection in this Office Action due to Applicant's amendments in claims 45, 55, 56 and 62 in the Amendment filed October 1, 2007 (regarding only claim 62) and in the Supplemental Amendment filed October 3, 2007.

8. Applicant's arguments presented on pages 12-24 of the Amendment filed October 1, 2007 regarding the 35 U.S.C. 102 and 103 rejections of the all of the claims made of record in the previous Office Action mailed June 28, 2007 are moot due to the withdrawn of these rejections in this Office Action due to Applicant's amendments in independent claims 45, 55 and 62 in the Amendment filed October 1, 2007 (regarding only claim 62) and in the Supplemental Amendment filed October 3, 2007 (regarding each of the three independent claims 45, 55 and 62).

9. No substantive arguments were presented in the Supplemental Amendment filed October 3, 2007.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Walter B. Aughenbaugh
12/09/07

Walter B. Aughenbaugh
12/09/07